

**Zoning Public Hearing
CITY OF AUSTIN
RECOMMENDATION FOR COUNCIL ACTION**



**AGENDA ITEM NO.: Z-4
AGENDA DATE: Thu 11/17/2005
PAGE: 1 of 1**

SUBJECT: C14-05-0148 - SCI Tract - Conduct a public hearing and approve an ordinance amending Chapter 25-2 of the Austin City Code by zoning property locally known as Interstate Highway 35 North and West Howard Lane (Walnut Creek Watershed) from interim-rural residence (I-RR) district zoning to general commercial services-mixed use-conditional overlay (CS-MU-CO) combining district zoning Zoning and Platting Commission Recommendation To grant general commercial services-mixed use-conditional overlay (CS-MU-CO) combining district zoning Applicant CSI Texas Funeral Services, Inc /Capital Parks Land Investments, Inc (Ray A Gipson) Agent Bury & Partners, Inc (Jon C Kanak) City Staff Sherri Sirwaitis, 974-3057

REQUESTING Neighborhood Planning
DEPARTMENT: and Zoning

DIRECTOR'S
AUTHORIZATION: Greg Guernsey

ZONING CHANGE REVIEW SHEET

CASE: C14-05-0148

Z.A.P. DATE: October 18, 2005

ADDRESS: North IH-35 and West Howard Lane

OWNER/APPLICANT: SCI Texas Funeral Services, Inc /Capital Parks Land Investments, Inc
(Ray A Gipson)

AGENT: Bury & Partners, Inc (Jon C Kanak)

ZONING FROM: I-RR

TO: CS-MU

AREA: 31 178 acres

SUMMARY STAFF RECOMMENDATION:

The staff recommends CS-MU-CO, General Commercial Services-Mixed Use-Conditional Overlay District, zoning. The conditional overlay would limit the development intensity to less than 2,000 vehicle trips per day.

ZONING AND PLATTING COMMISSION RECOMMENDATION:

10/18/05 Approved staff's recommendation for CS-MU-CO zoning, with 2,000 vehicle trip limit, by consent (9-0), J Martinez-1st, J Gohil-2nd.

DEPARTMENT COMMENTS:

The applicants are requesting CS-MU, General Commercial Services-Mixed Use Combining District, zoning for the property in question because they would like to have the ability to develop the site with a mixture of commercial and residential uses in the future. The property will take access to the North IH-35 Service Road Northbound and to Howard Lane through a proposed roadway in the Northtown Municipal Utility District (Future ROW Exhibit – Attachment A).

The staff is recommending CS-MU-CO zoning for the site because the property is located adjacent to CS-CO zoning to the south and west and planned multifamily uses in the Northtown Municipal Utility District (MUD) to the east. The property meets the intent of the CS district as it will have access to two major arterial roadways, North Interstate Highway-35 and Howard Lane.

The applicant agrees with the staff's recommendation.

EXISTING ZONING AND LAND USES:

	ZONING	LAND USES
<i>Site</i>	I-RR	Undeveloped
<i>North</i>	I-RR	Undeveloped
<i>South</i>	SF-2, CS-CO	Cemetery, Limited Warehousing and Distribution
<i>East</i>	County	Undeveloped
<i>West</i>	CS-CO	Undeveloped

AREA STUDY: N/A

TIA: Waived

WATERSHED: Walnut Creek

DESIRED DEVELOPMENT ZONE: Yes

CAPITOL VIEW CORRIDOR: N/A

HILL COUNTRY ROADWAY: N/A

NEIGHBORHOOD ORGANIZATIONS:

114 – North Growth Corridor Alliance

CASE HISTORIES:

NUMBER	REQUEST	COMMISSION	CITY COUNCIL
C14-04-0212	I-RR to MF-2, LI	3/29/05 Approved staff's recommendation for MF-2-CO zoning for Tract 1 and LI-CO zoning for Tract 2, w/ 2,000 vtpd limit, by consent (9-0)	4/28/05 Granted MF-2-CO for Tract 1 and LI-CO for Tract 2 (5-0-McCracken/Wynn-off the dias), all 3 readings
C14-03-0125	SF-2 to CS	6/1/04 Approved GR-CO zoning with the following prohibited uses Automotive Repair Services, Drop-Off Recycling Collection Facility, Pawn Shop Services (8-0, Pinnelli-absent	6/17/04 Granted CS-CO as recommended by staff, with additional conditions agreed to between the applicant and the neighborhood association the applicant and the neighborhood association (7-0), 1 st reading 3/24/05 Approved CS-CO with TIA conditions (public restrictive covenant) on 2 nd /3 rd readings (7-0)
C14-02-0111	TR1 GR-CO to GR TR2 CS-CO to CS	10/15/02 Approved staff's rec of GR-CO, CS-CO zoning with added condition to prohibit Automotive Sales, by consent (7-0, D Castaneda-absent	12/5/02 Granted GR-CO for Tract 1 and CS-CO for Tract 2 on all 3 readings (7-0)
C14-98-0212	I-RR to CS	12/15/98 Approved GR-CO w/conditions for front to match existing GR and CS-CO for remainder of property, prohibit auto repair and auto washing except for on-site tenants (5-2, GW/DS-Nay)	1/14/99 Approved PC rec of GR-CO w/ conditions 97-0), 1 st reading 4/15/99 Approved CS-CO w/ conditions (7-0), 2 nd /3 rd readings
C14-98-0076	I-RR to LI	7/14/98 Approved W/LO-CO w/conditions (7-1, SA-Nay)	10/8/98 Approved CS-CO w/many conditions (6-0), 1 st reading 4/1/99 Approved CS-CO w/ conditions (7-0), 2 nd /3 rd readings
C14-98-0069	I-RR to CS	7/14/98 Approved GR (8-1, RR-Nay)	8/13/98 Approved CS-CO (6-0), 1 st reading 10/1/98 Approved CS-CO w/ conditions (7-0), 2 nd /3 rd readings

C14-96-0131	SF-2 to GR	12/10/96 Approved staff rec of GR (9-0)	1/9/97 Approved GR-CO w/ conditions (7-0), 1 st reading 3/20/97. Approved GR-CO w/ conditions (7-0), 2 nd /3 rd readings
C14-95-0195	GR to CS	1/23/96 Approved CS-CO (7-0)	7/18/96 Approved CS-CO subject to conditions (6-0), all 3 readings
C14-93-0055	SF-2 to GR	5/18/93 Approved GR by consent (9-0)	6/3/93 Approved GR (5-0-1), all 3 readings
C14-93-0047	SF-2 to CS	4/27/93 Approved GR-CO (6-0)	5/6/93 Approved GR-CO and CS-CO w/conditions (6-0), 1 st reading 6/17/93 Approved GR-CO and CS-CO (7-0), 2 nd /3 rd readings
C14-93-0005	SF-2 to LO	2/16/93 Approved LO (6-0)	3/4/93 Approved LO (6-0), 1 st reading 5/27/93 Approved LO, 2 nd /3 rd readings

RELATED CASES: There are no pending related cases

ABUTTING STREETS:

Name	ROW	Pavement	Classification
Howard Lane	140'	Varies	Arterial

CITY COUNCIL DATE: November 17, 2005

ACTION:

ORDINANCE READINGS: 1st

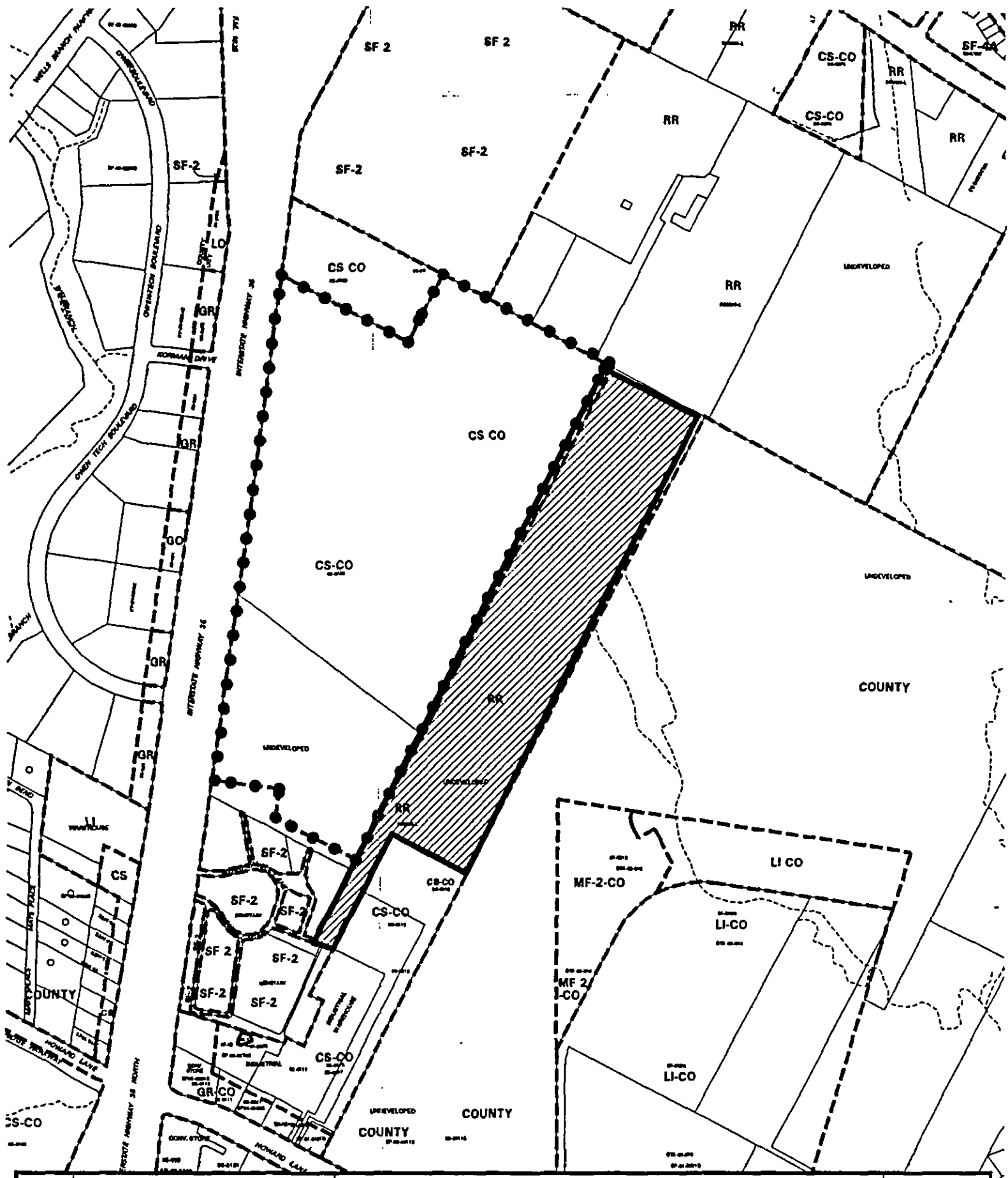
2nd





3rd

ORDINANCE NUMBER:

CASE MANAGER: Sherri Sirwaitis

PHONE: 974-3057,
sherri.sirwaitis@ci.austin.tx.us



 1" = 600'	SUBJECT TRACT		ZONING		CITY GRID REFERENCE NUMBER N36
	PENDING CASE				
	ZONING BOUNDARY		CASE #: C14-05-0148	DATE 05-08	
	CASE MGR S SIRWAITIS		ADDRESS N135 AND W HOWARD LN	INTLS SM	
			SUBJECT AREA (acres) 31178		

STAFF RECOMMENDATION

The staff recommends CS-MU-CO, General Commercial Services-Mixed Use-Conditional Overlay District, zoning. The conditional overlay would limit the development intensity to less than 2,000 vehicle trips per day.

BASIS FOR RECOMMENDATION

1 The proposed zoning should be consistent with the purpose statement of the district sought

The General Commercial Services (CS) zoning district is intended for commercial or industrial use of a service nature that has operating characteristics or traffic service requirements that are incompatible with residential environments.

The purpose of a mixed use (MU) combining district is to allow office, retail, commercial, and residential uses to be combined in a single development.

2 The proposed zoning should promote consistency, and orderly planning

The CS-MU-CO zoning district would be compatible and consistent with the surrounding uses because there is CS-CO zoning to the south and west of this site and adopted multifamily uses in the Northtown MUD to the east.

3 The proposed zoning should allow for a reasonable use of the property

The CS-MU-CO zoning district would allow for a fair and reasonable use of the site. The site exceeds the minimum size requirements for commercial development in the General Commercial Services district.

CS-CO zoning is appropriate for this location because of the commercial character of the area along Interstate Highway-35. The property will take access to two major arterial roadways, the IH-35 Northbound Service road and to Howard Lane.

EXISTING CONDITIONS

Site Characteristics

The property in question is a large undeveloped tract of land that is relatively flat and sparsely vegetated.

Impervious Cover

The maximum impervious cover allowed by the CS zoning district would be 95%. However, because the Watershed impervious cover is more restrictive than the zoning district's allowable impervious cover, the impervious cover on this site would be limited by the watershed ordinance. Under current watershed regulations, development or redevelopment on this site will be subject to the following impervious cover limits:

<i>Development Classification</i>	<i>% of Net Site Area</i>	<i>% with Transfers</i>
Single-Family (minimum lot size 5750 sq ft)	50%	60%
Other Single-Family or Duplex	55%	60%
Multifamily	60%	70%
Commercial	80%	90%

In the Water Quality Transition Zones, impervious cover is limited to 30%

Note The most restrictive impervious cover limit applies.

Environmental

The site is not located over the Edward's Aquifer Recharge Zone The site is in the Harris Branch Creek Watershed of the Colorado River Basin, which is classified as a Suburban Watershed by Chapter 25-8 of the City's Land Development Code

According to flood plain maps, there is no flood plain in, or within close proximity of, the project location

Standard landscaping and tree protection will be required in accordance with LDC 25-2 and 25-8 for all development and/or redevelopment

At this time, site-specific information is unavailable regarding existing trees and other vegetation, areas of steep slope, or other environmental features such as bluffs, springs, canyon rimrock, caves, sinkholes, and wetlands

Under current watershed regulations, development or redevelopment on this site will be subject to the following water quality control requirements

Structural controls Sedimentation and filtration basins with increased capture volume and 2 year detention

At this time, no information has been provided as to whether this property has any pre-existing approvals, which preempt current water quality or Code requirements

Transportation

The trip generation under the requested zoning is estimated to be 58,078 trips per day, assuming that the site develops to the maximum intensity allowed under the zoning classification (without consideration of setbacks, environmental constraints, or other site characteristics)

A traffic impact analysis was waived for this case because the applicant agreed to limit the intensity and uses for this development If the zoning is granted, development should be limited through a conditional overlay to less than 2,000 vehicle trips per day [LDC, 25-6-117]

Existing Street Characteristics

Name	ROW	Pavement	Classification
Howard Lane	140'	Varies	Arterial

There are existing sidewalks along Howard Lane

Howard Lane is classified in the Bicycle Plan as a Priority 1 bike route

Capital Metro bus service is not available along Howard Lane

Right of Way

The scope of this review is limited to the identification of needs for dedication and/or reservation of right-of-way for funded Capital Improvement Program (C I P) Roadway Construction Projects and Transportation Systems Management (T S M) Projects planned for implementation by the City of Austin. No aspect of the proposed project is being considered or approved with this review other than the need for right-of-way for City projects. There are separate right-of-way dedication and reservation requirements enforced by other Departments and other jurisdictions to secure right-of-way for roadway improvements contained in the Austin Metropolitan Area Roadway Plan, roadway projects funded by County and State agencies, and for dedication in accordance with the functional classification of the roadway.

We have reviewed the proposed subdivision, site plan, or zoning case and anticipate no additional requirement for right-of-way dedication or reservation for funded C I P or T S M projects at this location.

Water and Wastewater

The landowner intends to serve the site with City of Austin water and wastewater utilities. The landowner, at own expense, will be responsible for providing the water and wastewater utility improvements, offsite main extension, system upgrades, utility relocation, and adjustments. The water and wastewater utility plan must be reviewed and approved by the Austin Water Utility. The plan must be in accordance with the City design criteria. The water and wastewater utility construction must be inspected by the City. The landowner must pay the associated and applicable City fees.

Stormwater Detention

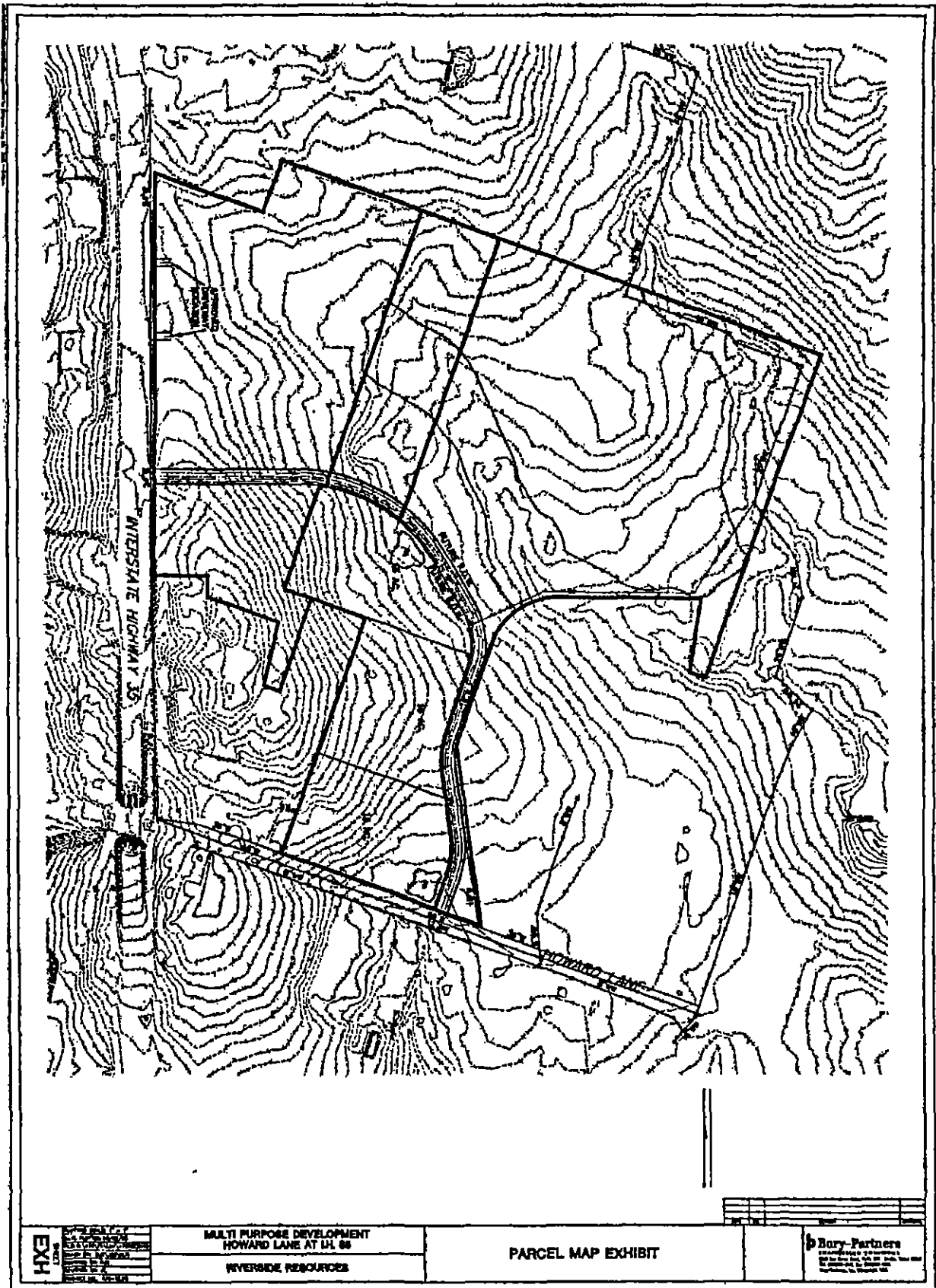
At the time a final subdivision plat, subdivision construction plans, or site plan is submitted, the developer must demonstrate that the proposed development will not result in additional identifiable flooding of other property. Any increase in storm water runoff will be mitigated through on-site storm water detention ponds, or participation in the City of Austin Regional Stormwater Management Program, if available.

Compatibility Standards

The site is subject to compatibility standards. Along the southwestern property line, the following standards apply:

- No structure may be built within 25 feet of the property line.
- No structure in excess of two stories or 30 feet in height may be constructed within 50 feet of the property line.
- No structure in excess of three stories or 40 feet in height may be constructed within 100 feet of the property line.
- No parking or driveways are allowed within 25 feet of the property line.

- A fence, berm, or dense vegetation must be provided to screen adjoining properties from views of parking, *mechanical equipment*, storage, and refuse collection
- Additional design regulations will be enforced at the time a site plan is submitted



ORDINANCE NO. _____

1 AN ORDINANCE ESTABLISHING INITIAL PERMANENT ZONING FOR THE
2 PROPERTY LOCATED AT IH-35 NORTH AND WEST HOWARD LANE AND
3 CHANGING THE ZONING MAP FROM INTERIM RURAL RESIDENCE (I-RR)
4 DISTRICT TO GENERAL COMMERCIAL SERVICES-MIXED USE-
5 CONDITIONAL OVERLAY (CS-MU-CO) COMBINING DISTRICT.
6

7 BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF AUSTIN:
8

9 PART 1. The zoning map established by Section 25-2.191 of the City Code is amended to
10 change the base district from interim rural residence (I-RR) district to general commercial
11 services-mixed use-conditional overlay (CS-MU-CO) combining district on the property
12 described in Zoning Case No. C14-05-0148, on file at the Neighborhood Planning and
13 Zoning Department, as follows:
14

15 A 31.178 acre tract of land, more or less, out of the E.C. Cunningham Survey No.
16 68, in Travis County, the tract of land being more particularly described by metes
17 and bounds in Exhibit "A" incorporated into this ordinance (the "Property"),
18

19 locally known as the property located at IH-35 North and West Howard Lane, in the City
20 of Austin, Travis County, Texas, and generally identified in the map attached as Exhibit
21 "B".
22

23 PART 2. The Property within the boundaries of the conditional overlay combining district
24 established by this ordinance is subject to the following conditions.
25

26 A site plan or building permit for the Property may not be approved, released, or
27 issued, if the completed development or uses of the Property, considered cumulatively with
28 all existing or previously authorized development and uses, generate traffic that exceeds
29 2,000 trips per day.
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31 Except as specifically restricted under this ordinance, the Property may be developed and
32 used in accordance with the regulations established for the general commercial services
33 (CS) base district and other applicable requirements of the City Code.
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PART 3. This ordinance takes effect on _____, 2005.

PASSED AND APPROVED

_____, 2005

§
§
§

Will Wynn
Mayor

APPROVED:

David Allan Smith
City Attorney

ATTEST:

Shirley A. Brown
City Clerk

DRAFT

31.178 ACRES
CAPITAL PARKS TRACT
RIVERSIDE RESOURCES INVESTMENTS, LTD.

EXHIBIT A

FN. NO. 05-274 (CLW) "
BPI JOB NO. 470-15.92
MAY 5, 2005

DESCRIPTION

OF A 31.178 ACRE TRACT OF LAND OUT OF THE L.C. CUNNINGHAM SURVEY NO. 68, SITUATED IN TRAVIS COUNTY, TEXAS, BEING THAT CERTAIN 31.172 ACRE TRACT OF LAND CONVEYED TO CAPITAL PARKS LAND INVESTMENTS, INC. BY DEED OF RECORD IN VOLUME 9555, PAGE 325 OF THE REAL PROPERTY RECORDS OF TRAVIS COUNTY, TEXAS; SAID 31.178 ACRES BEING MORE PARTICULARLY DESCRIBED BY METES AND BOUNDS AS FOLLOWS:

BEGINNING at a 1/2 inch iron pipe found in the southerly line of that certain 29.714 acre tract of land conveyed to Capital Parks Land Investments, Inc. by deed of record in Volume 9511, Page 261 of said Real Property Records, being the northwesterly corner of that certain 139.803 acre tract of land conveyed to Beal Bank, S.S.B. by deed of record in Document No. 2003124090 of the Official Public Records of Travis County, Texas and the northeasterly corner of said 31.172 acre tract of land, for the northeasterly corner hereof;

THENCE, along the westerly line of said 139.803 acre tract, for the easterly line of said 31.172 acre tract, for the easterly line hereof, the following six (6) courses and distances:

- 1) S27°11'41"W, a distance of 517.71 feet to a 1/2 inch iron pipe found, for an angle point hereof;
- 2) S27°35'48"W, a distance of 339.23 feet to a 1/2 inch iron rod with cap set for an angle point;
- 3) S27°38'28"W, a distance of 418.60 feet to a 1/2 inch iron rod with cap set for an angle point;
- 4) S27°28'41"W, a distance of 428.97 feet to a 1/2 inch iron rod with cap set for an angle point;
- 5) S27°24'21"W, a distance of 515.29 feet to a 1/2 inch iron rod found for an angle point;
- 6) S27°32'08"W, a distance of 292.24 feet to a 1/2 inch iron rod with cap set at the northeasterly corner of Lot 5, Replat of Route Subdivision, a subdivision of record in Document No. 200000128 of the Plat Records of Travis County, Texas, being the easternmost southeasterly corner of said 31.172 acre tract, for the easternmost southeasterly corner hereof;

THENCE, leaving the westerly line of said 139.803 acre tract, in part along the northerly and westerly lines of said Lot 5 and in part along the westerly line of Lot 4 of said Replat of Route Subdivision, being a portion of the southerly line of said 31.172 acre tract, for a portion of the southerly line hereof, the following two (2) courses and distances:

- 1) N61°58'32"W, a distance of 415.92 feet to a 1/2 iron rod with cap set at the northwesterly corner of said Lot 5;

FN 05-274 (CLW)
MAY 5, 2005
PAGE 2 OF 2

- 2) S27°37'02"W, a distance of 630.27 feet to a concrete monument found, being the common westerly corner of said Lot 4 and Lot 3 of said Replat of Route Subdivision and the southeasterly corner of said 31.172 acre tract, for the southernmost southeasterly corner hereof;

THENCE, N70°39'32"W, along a portion of the northerly line of the Replat of the Veterans Field of Honor No. 2 First Amendment, a subdivision of record in Volume 91, Page 77 of said Plat Records and along a portion of the northerly line of Field of Honor Veteran Garden Memorial Hill Cemetery Amended Section Two, a subdivision of record in Volume 81, Page 393 of said Plat Records, being the most southerly line of said 31.172 acre tract, for the most southerly line hereof, a distance of 100.43 feet to a 1/2 inch iron rod with cap set at the southeasterly corner of that certain tract of land conveyed to Memorial Hill Mausoleum by deed of record in Volume 1116, Page 64 of the Deed Records of Travis County, Texas, being the southwesterly corner of said 31.172 acre tract of land, for the southwesterly corner hereof;

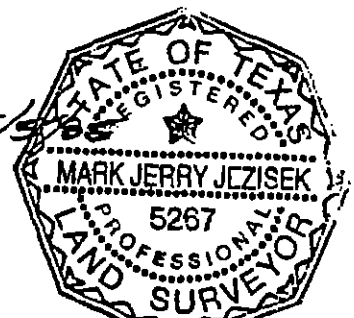
THENCE, N27°30'48"E, along the easterly line of said Memorial Hill Mausoleum tract and a portion of the easterly line of that certain tract of land conveyed to Memorial Hill Cemetery by deed of record in Volume 1116, Page 63 of said Deed Records, being a portion of the westerly line of said 31.172 acre tract of land, for a portion of the westerly line hereof, a distance of 413.99 feet to a 1/2 inch iron pipe found at the northeasterly corner of said Memorial Hill Cemetery tract, being the southeasterly corner of that certain tract of land conveyed to Karl Wagner Jr., et. al. by deed of record in Volume 11549, Pages 275-284 of said Real Property Records, for an angle point hereof;

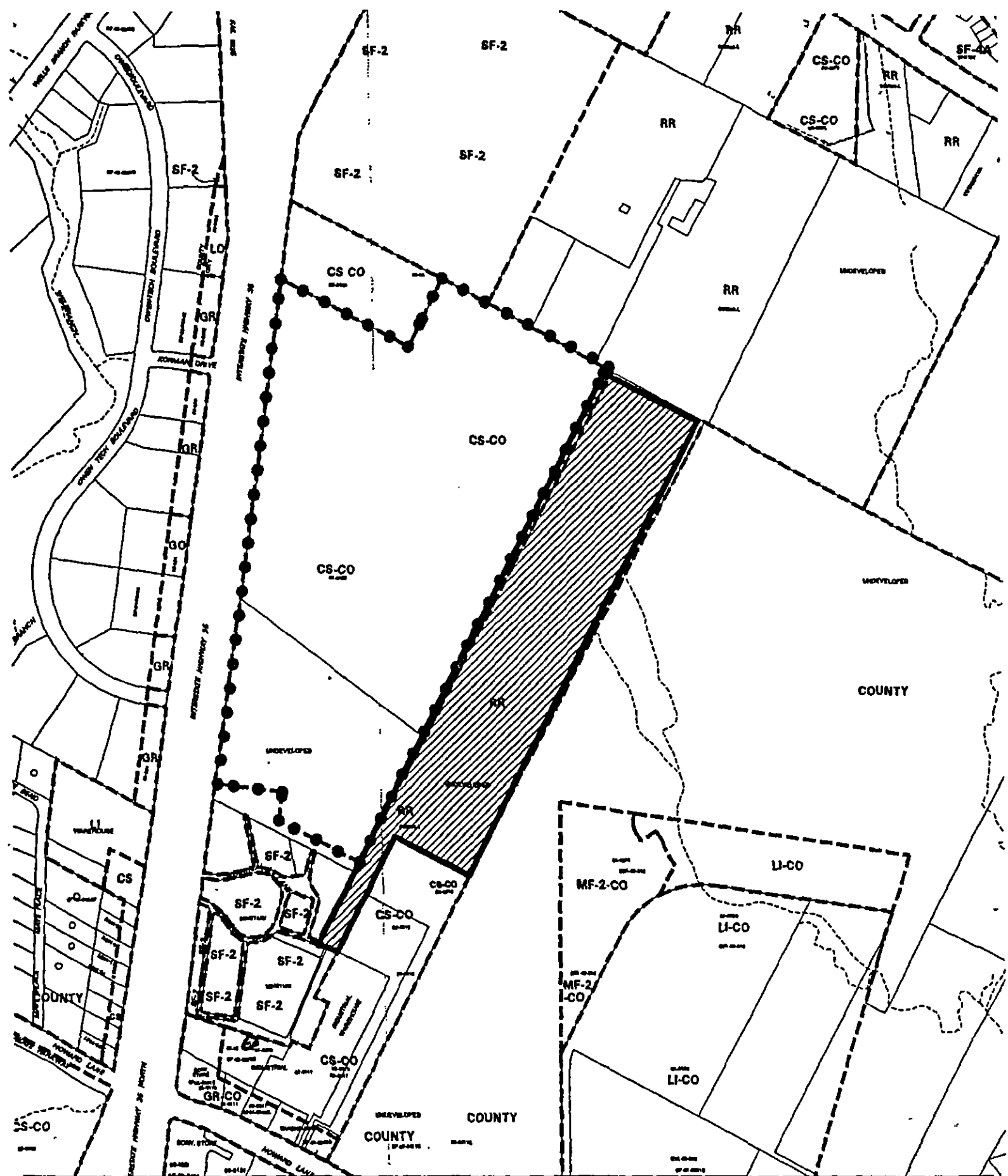
THENCE, N27°31'25"E, along the easterly line of said Karl Wagner Jr., et. al. tract, being a portion of the westerly line of said 31.172 acre tract, for a portion of the westerly line hereof, a distance of 2,739.95 feet to a 1/2 iron rod with cap set in the southerly line of said 29.714 acre tract of land, being the northeasterly corner of said Karl Wagner Jr., et. al. tract and the northwesterly corner of said 31.172 acre tract, for the northwesterly corner hereof,



THENCE, S62°22'00"E, along a portion of the southerly line of said 29.714 acre tract, being the northerly line of said 31.172 acre tract, for the northerly line hereof, a distance of 513.40 feet to the POINT OF BEGINNING, containing an area of 31.178 acres (1,358,114 sq. ft.) of land, more or less, within these metes and bounds

BURY & PARTNERS
ENGINEERS-SURVEYORS
3345 BEE CAVE ROAD, SUITE 200
AUSTIN, TEXAS 78746

Mark J. Jezisek
MARK J. JEZISEK DATE
R.P.L.S. NO. 5267
STATE OF TEXAS





 1" = 600'	SUBJECT TRACT		ZONING EXHIBIT B		CITY GRID REFERENCE NUMBER N36
	PENDING CASE			
	ZONING BOUNDARY	-----	CASE #: C14-05-0148	DATE 05-08	
	CASE MGR S.SIRWAITIS		ADDRESS: N135 AND W HOWARD LN	INTLS SM	
			SUBJECT AREA (acres) 31178		